REMARKS

Claims 1-24 are currently pending in the present application.

Rejection under 35 U.S.C. § 103

Claims 1-2, 4, 9-10, 12, 17-18 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hind et al.* (US 6,463,440) in view of *Risvik* (US 6,377,945). Applicants respectfully traverse such rejection.

On page 2 of the Advisory Action, the Examiner asserts that the Applicants had accepted *Hind* as a reference because the Applicants did not exclude of its usage in the response to the Examiner's first Office Action. Actually, in the response to the Examiner's first Office Action, Applicants did traverse the usage of *Hind* for the § 103 rejection by arguing on merits. Then, in the response to the Examiner's Final Office Action, Applicants traversed the usage of *Hind* for the § 103 rejection by pointing out that *Hind* can only be qualified as a reference under 35 U.S.C. § 102(e) but is not available to form the basis for an obviousness rejection under § 103 according to MPEP § 706.02(l)(1). Because the exclusion of *Hind* for the present application is statutory, Applicants can raise such issue at any time during the prosecution of the present application without being considered untimely. As such, the § 103 rejection is believed to be overcome.

Response under 37 C.F.R. § 1.111   Page 2   RA000099.AM3

CONCLUSION

Claims 1-24 are currently pending in the present application. For the reasons stated above, Applicants believe that independent Claims 1, 9 and 17 along with their respective dependent claims are in condition for allowance. The remaining prior art cited by the Examiner but not relied upon has been reviewed and is not believed to show or suggest the claimed invention.

No fee or extension of time is believed to be necessary; however, in the event that any fee or extension of time is required for the prosecution of this application, please charge it against IBM Corporation Deposit Account No. 50-0563.

Respectfully submitted,

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